IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 126 OF 2007

Salim Dawalsaheb Nadwinmani ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mrs.J.V. Walujkar for the Applicant.
Mr. P.S. Hingorani, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 9, 2007

P.C. :-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is a second application for bail. The first application of the applicant was rejected on 9.1.2006. An opportunity was, however, granted to the applicant to apply for bail if trial is not over within a period of six months. Pursuant to the liberty granted by this Court, the applicant has, therefore, preferred this second application.

3. It is submitted that the applicant is in jail since August 2005 and the only material which is against the present applicant is in the form of statement of the co-accused who has stated that the present applicant is

also involved. It is submitted that the offence under Section 395 of the IPC will not be attracted in the present case. It is submitted that the applicant is permanently residing at Miraj, District Sangli and he is not likely to abscond.

4. The learned APP has submitted that there is no change in the circumstance and the applicant's earlier application was rejected on merits and on that ground, the present application should be dismissed. He also submitted that the present applicant is involved in four other similar cases.

5. In my view, since the liberty was granted to the applicant to apply for bail again after a period of six months, this is a fresh circumstance on which the present application must be entertained. The other cases which have been filed against the present applicant are after his arrest. The applicant is languishing in jail since August 2005. The trial is not likely to commence in the near future. In my view, therefore, the applicant is entitled to be released on

bail by imposing certain stringent conditions.

6. Accordingly, the applicant is released on bail in the sum of Rs.5000/- with one or two sureties in the like amount on the following conditions :-

1) The applicant shall not enter into the city of Pune pending the hearing and final disposal of the trial except to attend the Sessions Court on various dates which are given in this case and other pending cases.

2) The applicant shall reside in Miraj City and shall report to Miraj City Police Station once in a month.

3) The applicant shall also report to Bund Garden Police Station once in three months.

7. Application is disposed of in the above terms.

8. A copy of this order be sent to Miraj City

Police Station by the office of the Public Prosecutor.

(V.M. Kanade, J.)